

105TH CONGRESS
1ST SESSION

H. R. 1275

IN THE SENATE OF THE UNITED STATES

APRIL 24, 1997

Received; read twice and referred to the Committee on Commerce, Science,
and Transportation

AN ACT

To authorize appropriations for the National Aeronautics
and Space Administration for fiscal years 1998 and
1999, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

2 (a) SHORT TITLE.—This Act may be cited as the
 3 “Civilian Space Authorization Act, Fiscal Years 1998 and
 4 1999”.

5 (b) TABLE OF CONTENTS.—

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 Sec. 321. National Science Foundation Antarctic Program.
 Sec. 322. Buy American.
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1 **SEC. 2. FINDINGS.**

2 The Congress makes the following findings:

3 (1) The National Aeronautics and Space Ad-
 4 ministration should aggressively pursue actions and
 5 reforms directed at reducing institutional costs, in-
 6 cluding management restructuring, facility consoli-
 7 dation, procurement reform, personnel base
 8 downsizing, and convergence with other defense and
 9 commercial sector systems.

10 (2) The National Aeronautics and Space Ad-
 11 ministration must reverse its current trend toward
 12 becoming an operational agency, and return to its
 13 proud history as the Nation's leader in basic sci-
 14 entific, air, and space research.

1 (3) The United States is on the verge of creat-
2 ing and using new technologies in microsatellites, in-
3 formation processing, and space launches that could
4 radically alter the manner in which the Federal Gov-
5 ernment approaches its space mission.

6 (4) The overwhelming preponderance of the
7 Federal Government's requirements for routine, non-
8 emergency manned and unmanned space transpor-
9 tation can be met most effectively, efficiently, and
10 economically by a free and competitive market in
11 privately developed and operated space transpor-
12 tation services.

13 (5) In formulating a national space transpor-
14 tation service policy, the National Aeronautics and
15 Space Administration should aggressively promote
16 the pursuit by commercial providers of development
17 of advanced space transportation technologies in-
18 cluding reusable space vehicles, single-stage-to-orbit
19 vehicles, and human space systems.

20 (6) The Federal Government should invest in
21 the types of research and innovative technology in
22 which United States commercial providers do not in-
23 vest, while avoiding competition with the activities in
24 which United States commercial providers do invest.

1 (7) International cooperation in space explo-
2 ration and science activities serves the United States
3 national interest—

4 (A) when it—

5 (i) reduces the cost of undertaking
6 missions the United States Government
7 would pursue unilaterally;

8 (ii) enables the United States to pur-
9 sue missions that it could not otherwise af-
10 ford to pursue unilaterally; or

11 (iii) enhances United States capabili-
12 ties to use and develop space for the bene-
13 fit of United States citizens; and

14 (B) when it does not—

15 (i) otherwise harm or interfere with
16 the ability of United States commercial
17 providers to develop or explore space com-
18 mercially;

19 (ii) interfere with the ability of Fed-
20 eral agencies to use space to complete their
21 missions;

22 (iii) undermine the ability of United
23 States commercial providers to compete fa-
24 vorably with foreign entities in the com-
25 mercial space arena; or

(iv) transfer sensitive or commercially advantageous technologies or knowledge from the United States to other countries or foreign entities except as required by those countries or entities to make their contribution to a multilateral space project in partnership with the United States, or on a quid pro quo basis.

(8) The National Aeronautics and Space Administration and the Department of Defense can cooperate more effectively in leveraging their mutual capabilities to conduct joint space missions that improve United States space capabilities and reduce the cost of conducting space missions.

SEC. 3. DEFINITIONS.

For purposes of this Act—

(1) the term “Administrator” means the Administrator of the National Aeronautics and Space Administration;

(2) the term “commercial provider” means any person providing space transportation services or other space-related activities, primary control of which is held by persons other than Federal, State, local, and foreign governments;

1 (3) the term “institution of higher education”
2 has the meaning given such term in section 1201(a)
3 of the Higher Education Act of 1965 (20 U.S.C.
4 1141(a));

5 (4) the term “State” means each of the several
6 States of the Union, the District of Columbia, the
7 Commonwealth of Puerto Rico, the Virgin Islands,
8 Guam, American Samoa, the Commonwealth of the
9 Northern Mariana Islands, and any other common-
10 wealth, territory, or possession of the United States;
11 and

12 (5) the term “United States commercial pro-
13 vider” means a commercial provider, organized
14 under the laws of the United States or of a State,
15 which is—

16 (A) more than 50 percent owned by United
17 States nationals; or

18 (B) a subsidiary of a foreign company and
19 the Secretary of Transportation finds that—

20 (i) such subsidiary has in the past evi-
21 denced a substantial commitment to the
22 United States market through—

23 (I) investments in the United
24 States in long-term research, develop-
25 ment, and manufacturing (including

1 the manufacture of major components
2 and subassemblies); and

3 (II) significant contributions to
4 employment in the United States; and

5 (ii) the country or countries in which
6 such foreign company is incorporated or
7 organized, and, if appropriate, in which it
8 principally conducts its business, affords
9 reciprocal treatment to companies de-
10 scribed in subparagraph (A) comparable to
11 that afforded to such foreign company's
12 subsidiary in the United States, as evi-
13 denced by—

14 (I) providing comparable oppor-
15 tunities for companies described in
16 subparagraph (A) to participate in
17 Government sponsored research and
18 development similar to that authorized
19 under this Act;

20 (II) providing no barriers to com-
21 panies described in subparagraph (A)
22 with respect to local investment op-
23 portunities that are not provided to
24 foreign companies in the United
25 States; and

1 (III) providing adequate and ef-
2 fective protection for the intellectual
3 property rights of companies de-
4 scribed in subparagraph (A).

5 **TITLE I—AUTHORIZATION OF**
6 **APPROPRIATIONS**

7 **Subtitle A—Authorizations**

8 **SEC. 101. HUMAN SPACE FLIGHT.**

9 There are authorized to be appropriated to the Na-
10 tional Aeronautics and Space Administration for Human
11 Space Flight the following amounts:

12 (1) For the Space Station—

13 (A) for fiscal year 1998, \$2,121,300,000,
14 of which \$400,500,000, notwithstanding section
15 121(a)—

16 (i) shall only be for Space Station re-
17 search or for the purposes described in sec-
18 tion 102(2); and

19 (ii) shall be administered by the Office
20 of Life and Microgravity Sciences and Ap-
21 plications; and

22 (B) for fiscal year 1999, \$2,109,200,000,
23 of which \$496,200,000, notwithstanding section
24 121(a)—

1 (i) shall only be for Space Station re-
2 search or for the purposes described in sec-
3 tion 102(2); and

4 (ii) shall be administered by the Office
5 of Life and Microgravity Sciences and Ap-
6 plications.

7 (2) For Space Shuttle Operations—

8 (A) for fiscal year 1998, \$2,494,400,000;
9 and

10 (B) for fiscal year 1999, \$2,625,600,000.

11 (3) For Space Shuttle Safety and Performance
12 Upgrades—

13 (A) for fiscal year 1998, \$483,400,000, in-
14 cluding related Construction of Facilities for—

15 (i) Repair of Payload Changeout
16 Room Wall in Ceiling, Pad A, Kennedy
17 Space Center, \$2,200,000;

18 (ii) Restoration of Pad Surface and
19 Slope, Kennedy Space Center, \$1,800,000;
20 and

21 (iii) Rehabilitation of 480V Electrical
22 Distribution System, Kennedy Space Cen-
23 ter, \$2,800,000; and

24 (B) for fiscal year 1999, \$392,900,000.

25 (4) For Payload and Utilization Operations—

1 (A) for fiscal year 1998, \$247,400,000;

2 and

3 (B) for fiscal year 1999, \$178,600,000.

4 **SEC. 102. SCIENCE, AERONAUTICS, AND TECHNOLOGY.**

5 There are authorized to be appropriated to the Na-
6 tional Aeronautics and Space Administration for Science,
7 Aeronautics, and Technology the following amounts:

8 (1) For Space Science—

9 (A) for fiscal year 1998, \$2,079,800,000,
10 of which—

11 (i) \$47,600,000 shall be for the Grav-
12 ity Probe B;

13 (ii) \$5,000,000 shall be for participa-
14 tion in Clementine 2 (Air Force Program
15 Element 0603401F “Advanced Spacecraft
16 Technology”);

17 (iii) \$3,400,000 shall be for the Near
18 Earth Object Survey;

19 (iv) \$529,400,000 shall be for Mission
20 Operations and Data Analysis, of which
21 \$150,000,000 shall be for data analysis;
22 and

23 (v) \$5,000,000 shall be for the Solar
24 B program; and

1 (B) for fiscal year 1999, \$2,085,400,000,
2 of which—

3 (i) \$5,000,000 shall be for participa-
4 tion in Clementine 2 (Air Force Program
5 Element 0603401F “Advanced Spacecraft
6 Technology”);

7 (ii) \$3,400,000 shall be for the Near
8 Earth Object Survey;

9 (iii) \$561,100,000 shall be for Mission
10 Operations and Data Analysis, of which
11 \$184,400,000 shall be for data analysis;
12 and

13 (iv) \$15,000,000 shall be for the Solar
14 B program.

15 (2) For Life and Microgravity Sciences and Ap-
16 plications—

17 (A) for fiscal year 1998, \$234,200,000, of
18 which—

19 (i) \$2,000,000 shall be for research
20 and early detection systems for breast and
21 ovarian cancer and other women’s health
22 issues; and

23 (ii) \$2,000,000, shall be for modifica-
24 tions for the installation of the Bio-Plex,
25 Johnson Space Center; and

1 (B) for fiscal year 1999, \$249,800,000, of
2 which \$2,000,000 shall be for research and
3 early detection systems for breast and ovarian
4 cancer and other women's health issues.

5 (3) For Mission to Planet Earth, subject to the
6 limitations set forth in section 127—

7 (A) for fiscal year 1998, \$1,417,300,000,
8 of which—

9 (i) \$50,000,000 shall be for commer-
10 cial Earth science data purchases under
11 section 308(a);

12 (ii) \$8,000,000 shall be for continuing
13 operations of the Midcourse Space Experi-
14 ment spacecraft constructed for the Ballis-
15 tic Missile Defense Organization, except
16 that such funds may not be obligated un-
17 less the Administrator receives independent
18 validation of the scientific requirements for
19 Midcourse Space Experiment data; and

20 (iii) \$10,000,000 shall be for the
21 lightning mapper, except that such funds
22 may not be obligated unless the Adminis-
23 trator receives independent validation of
24 the scientific requirements for lightning
25 mapper data; and

1 (B) for fiscal year 1999, \$1,446,300,000,
2 of which—

3 (i) \$50,000,000 shall be for commer-
4 cial Earth science data purchases under
5 section 308(a); and

6 (ii) \$10,000,000 shall be for the light-
7 ning mapper, except that such funds may
8 not be obligated unless the Administrator
9 receives independent validation of the sci-
10 entific requirements for lightning mapper
11 data.

12 (4) For Aeronautics and Space Transportation
13 Technology—

14 (A) for fiscal year 1998, \$1,769,500,000,
15 of which—

16 (i) \$920,100,000 shall be for Aero-
17 nautical Research and Technology, of
18 which not more than \$35,700,000 shall be
19 for High Performance Computing and
20 Communications;

21 (ii) \$696,600,000 shall be for Ad-
22 vanced Space Transportation Technology,
23 including—

24 (I) \$333,500,000, which shall
25 only be for the X-33 advanced tech-

1 nology demonstration vehicle program,
2 including \$3,700,000 for rehabilita-
3 tion and modification of the B2 test
4 stand, Stennis Space Center;

5 (II) \$150,000,000, which shall
6 only be for a program of focused tech-
7 nology demonstrations to support the
8 competitive awarding of a contract to
9 develop, build, and flight test an ex-
10 perimental single-stage-to-orbit dem-
11 onstration vehicle, which will be a
12 complementary follow-on to the X-33,
13 and which uses design concepts dif-
14 ferent from, and technologies more
15 advanced than, the design concepts
16 and technologies used for the X-33
17 program; and

18 (III) \$150,000,000, which shall
19 only be for the procurement of an ex-
20 perimental vehicle described in sub-
21 clause (II), after the expiration of 30
22 days after the Administrator has
23 transmitted to the Committee on
24 Science of the House of Representa-
25 tives and the Committee on Com-

merce, Science, and Transportation of
the Senate a written report including
a plan for the experimental vehicle
program and the projected costs
thereof; and

(iii) 152,800,000 shall be for Com-
mercial Technology, of which \$5,000,000
shall be for business facilitators, selected
by the National Aeronautics and Space Ad-
ministration from among candidates who
receive at least 25 percent of their re-
sources from non-Federal sources; and

(B) for fiscal year 1999, \$1,816,400,000,
of which—

(i) \$837,400,000 shall be for Aero-
nautical Research and Technology;

(ii) \$818,600,000 shall be for Ad-
vanced Space Transportation Technology,
including—

(I) \$313,900,000, which shall
only be for the X-33 advanced tech-
nology demonstration vehicle program;

(II) \$425,000,000, which shall
only be for the procurement of an ex-

1 perimental vehicle described in sub-
2 paragraph (A)(ii)(II); and

3 (III) \$40,770,000, which shall
4 only be for the Advanced Space
5 Transportation program; and

6 (iii) \$160,400,000 shall be for Com-
7 mercial Technology, of which \$5,000,000
8 shall be for business facilitators, selected
9 by the National Aeronautics and Space Ad-
10 ministration from among candidates who
11 receive at least 25 percent of their re-
12 sources from non-Federal sources.

13 (5) For Mission Communication Services—

14 (A) for fiscal year 1998, \$400,800,000;
15 and

16 (B) for fiscal year 1999, \$436,100,000.

17 (6) For Academic Programs—

18 (A) for fiscal year 1998, \$102,200,000, of
19 which—

20 (i) \$15,300,000 shall be for the Na-
21 tional Space Grant College and Fellowship
22 Program; and

23 (ii) \$46,700,000 shall be for minority
24 university research and education, includ-

1 ing \$31,300,000 for Historically Black
 2 Colleges and Universities; and
 3 (B) for fiscal year 1999, \$108,000,000, of
 4 which \$51,700,000 shall be for minority univer-
 5 sity research and education, including
 6 \$33,800,000 for Historically Black Colleges and
 7 Universities.

8 **SEC. 103. MISSION SUPPORT.**

9 There are authorized to be appropriated to the Na-
 10 tional Aeronautics and Space Administration for Mission
 11 Support the following amounts:

12 (1) For Safety, Reliability, and Quality Assur-
 13 ance—

14 (A) for fiscal year 1998, \$37,800,000; and

15 (B) for fiscal year 1999, \$43,000,000.

16 (2) For Space Communication Services—

17 (A) for fiscal year 1998, \$245,700,000;

18 and

19 (B) for fiscal year 1999, \$204,400,000.

20 (3)(A) For Construction of Facilities, including

21 land acquisition, for fiscal year 1998, \$159,400,000,

22 including the following:

23 (i) Modernization of Process Cooling Sys-

24 tem, Numerical Aerodynamic Simulation Facil-

25 ity, Ames Research Center, \$2,700,000.

1 (ii) Rehabilitation and Modification of
2 Hangar and Shop, Dryden Flight Research
3 Center, \$2,800,000.

4 (iii) Restoration of Chilled Water Distribu-
5 tion System, Goddard Space Flight Center,
6 \$2,400,000.

7 (iv) Restoration of Space/Terrestrial Appli-
8 cation Facility, Goddard Space Flight Center,
9 \$4,600,000.

10 (v) Construction of Emergency Services
11 Facility, Jet Propulsion Laboratory,
12 \$4,800,000.

13 (vi) Upgrade of Utility Annex Chilled
14 Water Plant, Kennedy Space Center,
15 \$5,900,000.

16 (vii) Rehabilitation of High-Voltage Sys-
17 tem, Lewis Research Center, \$9,400,000.

18 (viii) Modification of Chilled Water Sys-
19 tem, Marshall Space Flight Center, \$7,000,000.

20 (ix) Minor Revitalization of Facilities at
21 Various Locations, not in excess of \$1,500,000
22 per project, \$65,700,000.

23 (x) Minor construction of new facilities and
24 additions to existing facilities at various loca-
25 tions, \$1,100,000.

1 (xi) Facility planning and design, not oth-
2 erwise provided for, \$19,000,000.

3 (xii) Environmental compliance and res-
4 toration, \$34,000,000.

5 (B) For Construction of Facilities, including
6 land acquisition, for fiscal year 1999, \$188,900,000.

7 (4) For Research and Program Management,
8 including personnel and related costs, travel, and re-
9 search operations support—

10 (A) for fiscal year 1998, \$2,070,300,000;
11 and

12 (B) for fiscal year 1999, \$2,022,600,000.

13 **SEC. 104. INSPECTOR GENERAL.**

14 There are authorized to be appropriated to the Na-
15 tional Aeronautics and Space Administration for Inspector
16 General—

17 (1) for fiscal year 1998, \$18,300,000; and

18 (2) for fiscal year 1999, \$18,600,000.

19 **SEC. 105. TOTAL AUTHORIZATION.**

20 Notwithstanding any other provision of this title, the
21 total amount authorized to be appropriated to the Na-
22 tional Aeronautics and Space Administration under this
23 Act shall not exceed—

24 (1) for fiscal year 1998, \$13,881,800,000; and

25 (2) for fiscal year 1999, \$13,925,800,000.

1 **SEC. 106. OFFICE OF COMMERCIAL SPACE TRANSPOR-**
2 **TATION AUTHORIZATION.**

3 There are authorized to be appropriated to the Sec-
4 retary of Transportation for the activities of the Office
5 of Commercial Space Transportation—

6 (1) for fiscal year 1998, \$6,000,000; and

7 (2) for fiscal year 1999, \$6,000,000.

8 **SEC. 107. OFFICE OF SPACE COMMERCE.**

9 There are authorized to be appropriated to the Sec-
10 retary of Commerce for the activities of the Office of
11 Space Commerce established by section 303 of this Act—

12 (1) for fiscal year 1998, \$500,000; and

13 (2) for fiscal year 1999, \$500,000.

14 **SEC. 108. UNITED STATES-MEXICO FOUNDATION FOR**
15 **SCIENCE.**

16 There are authorized to be appropriated to the Na-
17 tional Aeronautics and Space Administration for the Unit-
18 ed States-Mexico Foundation for Science—

19 (1) \$1,000,000 for fiscal year 1998; and

20 (2) \$1,000,000 for fiscal year 1999.

21 **Subtitle B—Restructuring the Na-**
22 **tional Aeronautics and Space**
23 **Administration**

24 **SEC. 111. FINDINGS.**

25 The Congress finds that—

1 (1) the restructuring of the National Aero-
2 nautics and Space Administration is essential to ac-
3 complishing the space missions of the United States
4 while simultaneously balancing the Federal budget;

5 (2) to restructure the National Aeronautics and
6 Space Administration rapidly without reducing mis-
7 sion content and safety requires objective financial
8 judgment; and

9 (3) a formal economic review of its missions
10 and the Federal assets that support them is required
11 in order to plan and implement needed restructuring
12 of the National Aeronautics and Space Administra-
13 tion.

14 **SEC. 112. RESTRUCTURING REPORTS.**

15 (a) IMPLEMENTATION REPORT.—The Administrator
16 shall transmit to Congress, no later than 90 days after
17 the date of the enactment of this Act, a report—

18 (1) describing its restructuring activities by fis-
19 cal year, including, at a minimum, a description of
20 all actions taken or planned to be taken after July
21 31, 1995, and before October 1, 2002, including
22 contracts terminated or consolidated; reductions in
23 force; relocations of personnel and facilities; sales,
24 closures, or mothballing of capital assets or facilities;

1 and net savings to be realized from such actions by
2 fiscal year; and

3 (2) describing the status of the implementation
4 of recommendations resulting from the Zero Base
5 Review, particularly with respect to the designation
6 of lead Centers and any increases and decreases in
7 the roles and responsibilities of all Centers.

8 (b) PROPOSED LEGISLATION.—The President shall
9 propose to Congress, not later than 180 days after the
10 date of the enactment of this Act, all enabling legislation
11 required to carry out actions described by the Administra-
12 tor’s report under subsection (a).

13 **Subtitle C—Limitations and** 14 **Special Authority**

15 **SEC. 121. USE OF FUNDS FOR CONSTRUCTION.**

16 (a) AUTHORIZED USES.—Funds appropriated under
17 sections 101 (1) through (4), 102, and 103 (1) and (2),
18 and funds appropriated for research operations support
19 under section 103(4), may be used for the construction
20 of new facilities and additions to, repair of, rehabilitation
21 of, or modification of existing facilities at any location in
22 support of the purposes for which such funds are author-
23 ized.

24 (b) LIMITATION.—No funds may be expended pursu-
25 ant to subsection (a) for a project, the estimated cost of

1 which to the National Aeronautics and Space Administra-
2 tion, including collateral equipment, exceeds \$500,000,
3 until 30 days have passed after the Administrator has no-
4 tified the Committee on Science of the House of Rep-
5 resentatives and the Committee on Commerce, Science,
6 and Transportation of the Senate of the nature, location,
7 and estimated cost to the National Aeronautics and Space
8 Administration of such project.

9 (c) TITLE TO FACILITIES.—If funds are used pursu-
10 ant to subsection (a) for grants to institutions of higher
11 education, or to nonprofit organizations whose primary
12 purpose is the conduct of scientific research, for purchase
13 or construction of additional research facilities, title to
14 such facilities shall be vested in the United States unless
15 the Administrator determines that the national program
16 of aeronautical and space activities will best be served by
17 vesting title in the grantee institution or organization.
18 Each such grant shall be made under such conditions as
19 the Administrator shall determine to be required to ensure
20 that the United States will receive therefrom benefits ade-
21 quate to justify the making of that grant.

22 **SEC. 122. AVAILABILITY OF APPROPRIATED AMOUNTS.**

23 To the extent provided in appropriations Acts, appro-
24 priations authorized under subtitle A may remain avail-
25 able without fiscal year limitation.

1 **SEC. 123. REPROGRAMMING FOR CONSTRUCTION OF FA-**
2 **CILITIES.**

3 (a) IN GENERAL.—Appropriations authorized for
4 construction of facilities under section 101(3)(A) (i)
5 through (iii), 102 (2)(A)(ii) and (4)(A)(ii)(I), or 103(3)—

6 (1) may be varied upward by 10 percent in the
7 discretion of the Administrator; or

8 (2) may be varied upward by 25 percent, to
9 meet unusual cost variations, after the expiration of
10 15 days following a report on the circumstances of
11 such action by the Administrator to the Committee
12 on Science of the House of Representatives and the
13 Committee on Commerce, Science, and Transpor-
14 tation of the Senate.

15 The aggregate amount authorized to be appropriated for
16 construction of facilities under sections 101(3)(A) (i)
17 through (iii), 102 (2)(A)(ii) and (4)(A)(ii)(I), and 103(3)
18 shall not be increased as a result of actions authorized
19 under paragraphs (1) and (2) of this subsection.

20 (b) SPECIAL RULE.—Where the Administrator deter-
21 mines that new developments in the national program of
22 aeronautical and space activities have occurred; and that
23 such developments require the use of additional funds for
24 the purposes of construction, expansion, or modification
25 of facilities at any location; and that deferral of such ac-
26 tion until the enactment of the next National Aeronautics

1 and Space Administration authorization Act would be in-
2 consistent with the interest of the Nation in aeronautical
3 and space activities, the Administrator may use up to
4 \$10,000,000 of the amounts authorized under sections
5 101(3)(A) (i) through (iii), 102 (2)(A)(ii) and
6 (4)(A)(ii)(I), and 103(3) for each fiscal year for such pur-
7 poses. No such funds may be obligated until a period of
8 30 days has passed after the Administrator has transmit-
9 ted to the Committee on Commerce, Science, and Trans-
10 portation of the Senate and the Committee on Science of
11 the House of Representatives a written report describing
12 the nature of the construction, its costs, and the reasons
13 therefor.

14 **SEC. 124. CONSIDERATION BY COMMITTEES.**

15 Notwithstanding any other provision of law—

16 (1) no amount appropriated to the National
17 Aeronautics and Space Administration may be used
18 for any program for which the President's annual
19 budget request included a request for funding, but
20 for which the Congress denied or did not provide
21 funding;

22 (2) no amount appropriated to the National
23 Aeronautics and Space Administration may be used
24 for any program in excess of the amount actually

1 authorized for the particular program under this
2 title; and

3 (3) no amount appropriated to the National
4 Aeronautics and Space Administration may be used
5 for any program which has not been presented to
6 the Congress in the President's annual budget re-
7 quest or the supporting and ancillary documents
8 thereto,

9 unless a period of 30 days has passed after the receipt
10 by the Committee on Science of the House of Representa-
11 tives and the Committee on Commerce, Science, and
12 Transportation of the Senate of notice given by the Ad-
13 ministrator containing a full and complete statement of
14 the action proposed to be taken and the facts and cir-
15 cumstances relied upon in support of such proposed ac-
16 tion. The National Aeronautics and Space Administration
17 shall keep the Committee on Science of the House of Rep-
18 resentatives and the Committee on Commerce, Science,
19 and Transportation of the Senate fully and currently in-
20 formed with respect to all activities and responsibilities
21 within the jurisdiction of those committees. Except as oth-
22 erwise provided by law, any Federal department, agency,
23 or independent establishment shall furnish any informa-
24 tion requested by either committee relating to any such
25 activity or responsibility.

1 **SEC. 125. LIMITATION ON OBLIGATION OF UNAUTHORIZED**
2 **APPROPRIATIONS.**

3 (a) **REPORTS TO CONGRESS.—**

4 (1) **REQUIREMENT.—**Not later than—

5 (A) 30 days after the later of the date of
6 the enactment of an Act making appropriations
7 to the National Aeronautics and Space Admin-
8 istration for fiscal year 1998 and the date of
9 the enactment of this Act; and

10 (B) 30 days after the date of the enact-
11 ment of an Act making appropriations to the
12 National Aeronautics and Space Administration
13 for fiscal year 1999,

14 the Administrator shall submit a report to Congress
15 and to the Comptroller General.

16 (2) **CONTENTS.—**The reports required by para-
17 graph (1) shall specify—

18 (A) the portion of such appropriations
19 which are for programs, projects, or activities
20 not authorized under subtitle A of this title, or
21 which are in excess of amounts authorized for
22 the relevant program, project, or activity under
23 this Act; and

24 (B) the portion of such appropriations
25 which are authorized under this Act.

1 (b) FEDERAL REGISTER NOTICE.—The Adminis-
2 trator shall, coincident with the submission of each report
3 required by subsection (a), publish in the Federal Register
4 a notice of all programs, projects, or activities for which
5 funds are appropriated but which were not authorized
6 under this Act, and solicit public comment thereon regard-
7 ing the impact of such programs, projects, or activities on
8 the conduct and effectiveness of the national aeronautics
9 and space program.

10 (c) LIMITATION.—Notwithstanding any other provi-
11 sion of law, no funds may be obligated for any programs,
12 projects, or activities of the National Aeronautics and
13 Space Administration for fiscal year 1998 or 1999 not au-
14 thorized under this Act until 30 days have passed after
15 the close of the public comment period contained in a no-
16 tice required by subsection (b).

17 **SEC. 126. USE OF FUNDS FOR SCIENTIFIC CONSULTATIONS**
18 **OR EXTRAORDINARY EXPENSES.**

19 Not more than \$30,000 of the funds appropriated
20 under section 102 may be used for scientific consultations
21 or extraordinary expenses, upon the authority of the Ad-
22 ministrator.

23 **SEC. 127. MISSION TO PLANET EARTH LIMITATION.**

24 No funds appropriated pursuant to this Act shall be
25 used for Earth System Science Pathfinders for a fiscal

1 year unless the Administrator has certified to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate that at least \$50,000,000 are available for that fiscal year for obligations by the Commercial Remote Sensing Program at Stennis Space Center for commercial data purchases under section 308(a). No funds appropriated pursuant to section 102(3) shall—

9 (1) be transferred to any museum; or

10 (2) be used for the United States Man and the
11 Biosphere Program, or related projects.

12 **SEC. 128. SPACE OPERATIONS.**

13 No funds appropriated pursuant to this Act shall be
14 used for Phase Two of the Consolidated Space Operations
15 Contract until a period of 30 days has passed after the
16 Administrator has transmitted to the Committee on
17 Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a written report which—

20 (1) compares the cost-effectiveness of the single
21 cost-plus contract approach of the Consolidated
22 Space Operations Contract and a multiple fixed-price contracts approach;

24 (2) analyzes the differences in the competition
25 generated through the bidding process used for the

1 Consolidated Space Operations Contract as opposed
2 to multiple fixed-price contracts; and

3 (3) describes how the Consolidated Space Oper-
4 ations Contract can be transformed into fixed-price
5 contracts, and whether the National Aeronautics and
6 Space Administration intends to make such a transi-
7 tion.

8 **SEC. 129. INTERNATIONAL SPACE UNIVERSITY.**

9 Funds appropriated pursuant to this Act may be used
10 by the National Aeronautics and Space Administration to
11 pay the tuition expenses of any National Aeronautics and
12 Space Administration employee attending programs of the
13 International Space University held in the United States.
14 Funds appropriated pursuant to this Act may not be used
15 to pay tuition costs of the National Aeronautics and Space
16 Administration employees attending programs of the
17 International Space University outside of the United
18 States.

19 **TITLE II—INTERNATIONAL**
20 **SPACE STATION**

21 **SEC. 201. FINDINGS.**

22 The Congress finds that—

23 (1) the development, assembly, and operation of
24 the International Space Station is in the national in-
25 terest of the United States;

1 (2) the significant involvement by commercial
2 providers in marketing and using, competitively serv-
3 icing, and commercially augmenting the operational
4 capabilities of the International Space Station dur-
5 ing its assembly and operational phases will lower
6 costs and increase benefits to the international part-
7 ners; and

8 (3) when completed, the International Space
9 Station will be the largest, most capable micro-
10 gravity research facility ever developed. It will pro-
11 vide a lasting framework for conducting large-scale
12 science programs with international partners and it
13 is the next step in the human exploration of space.
14 The United States should commit to completing this
15 program, thereby reaping the benefits of scientific
16 research and international cooperation.

17 **SEC. 202. COMMERCIALIZATION OF SPACE STATION.**

18 (a) **POLICY.**—The Congress declares that a priority
19 goal of constructing the International Space Station is the
20 economic development of Earth orbital space. The Con-
21 gress further declares that free and competitive markets
22 create the most efficient conditions for promoting eco-
23 nomic development, and should therefore govern the eco-
24 nomic development of Earth orbital space. The Congress
25 further declares that the use of free market principles in

1 operating, servicing, allocating the use of, and adding ca-
2 pabilities to the Space Station, and the resulting fullest
3 possible engagement of commercial providers and partici-
4 pation of commercial users, will reduce Space Station
5 operational costs for all partners and the Federal Govern-
6 ment's share of the United States burden to fund oper-
7 ations.

8 (b) REPORTS.—(1) The Administrator shall deliver to
9 the Committee on Science of the House of Representatives
10 and the Committee on Commerce, Science, and Transpor-
11 tation of the Senate, within 90 days after the date of the
12 enactment of this Act, a study that identifies and exam-
13 ines—

14 (A) the opportunities for commercial providers
15 to play a role in International Space Station activi-
16 ties, including operation, use, servicing, and aug-
17 mentation;

18 (B) the potential cost savings to be derived
19 from commercial providers playing a role in each of
20 these activities;

21 (C) which of the opportunities described in sub-
22 paragraph (A) the Administrator plans to make
23 available to commercial providers in fiscal year 1998
24 and 1999;

1 (D) the specific policies and initiatives the Ad-
2 ministrator is advancing to encourage and facilitate
3 these commercial opportunities; and

4 (E) the revenues and cost reimbursements to
5 the Federal Government from commercial users of
6 the Space Station.

7 (2) The Administrator shall deliver to the Committee
8 on Science of the House of Representatives and the Com-
9 mittee on Commerce, Science, and Transportation of the
10 Senate, within 180 days after the date of the enactment
11 of this Act, an independently-conducted market study that
12 examines and evaluates potential industry interest in pro-
13 viding commercial goods and services for the operation,
14 servicing, and augmentation of the International Space
15 Station, and in the commercial use of the International
16 Space Station. This study shall also include updates to
17 the cost savings and revenue estimates made in the study
18 described in paragraph (1) based on the external market
19 assessment.

20 (3) The Administrator shall deliver to the Congress,
21 no later than the submission of the President's annual
22 budget request for fiscal year 1999, a report detailing how
23 many proposals (whether solicited or not) the National
24 Aeronautics and Space Administration received during
25 calendar year 1997 regarding commercial operation, serv-

1 icing, utilization, or augmentation of the International
2 Space Station, broken down by each of these four cat-
3 egories, and specifying how many agreements the National
4 Aeronautics and Space Administration has entered into in
5 response to these proposals, also broken down by these
6 four categories.

7 **SEC. 203. SPACE STATION ACCOUNTING REPORTS.**

8 (a) INITIAL REPORT.—Not later than 90 days after
9 the date of the enactment of this Act, the Administrator
10 shall transmit to the Congress a report containing a de-
11 scription of all Space Station-related agreements entered
12 into by the United States with a foreign entity after Sep-
13 tember 30, 1993, along with—

14 (1) a complete accounting of all costs to the
15 United States incurred during fiscal years 1994
16 through 1996 pursuant to each such agreement; and

17 (2) an estimate of future costs to the United
18 States pursuant to each such agreement.

19 (b) ANNUAL REPORTS.—Not later than 60 days after
20 the end of each fiscal year beginning with fiscal year 1997,
21 the Administrator shall transmit to the Congress a report
22 containing a description of all Space Station-related agree-
23 ments entered into by the United States with a foreign
24 entity during the preceding fiscal year, along with—

1 (1) a complete accounting of all costs to the
2 United States incurred during that fiscal year pur-
3 suant to each such agreement; and

4 (2) an estimate of future costs to the United
5 States pursuant to each such agreement.

6 **SEC. 204. REPORT ON INTERNATIONAL HARDWARE AGREE-**
7 **MENTS.**

8 Not later than 90 days after the date of the enact-
9 ment of this Act, the Administrator shall transmit to the
10 Committee on Science of the House of Representatives
11 and the Committee on Commerce, Science, and Transpor-
12 tation of the Senate a report on—

13 (1) agreements that have been reached with for-
14 eign entities to transfer to a foreign entity the devel-
15 opment and manufacture of International Space Sta-
16 tion hardware baselined to be provided by the Unit-
17 ed States; and

18 (2) the impact of those agreements on United
19 States operating costs and United States utilization
20 shares of the International Space Station.

21 At least 90 days before entering into any additional agree-
22 ments of the type described in paragraph (1), the Admin-
23 istrator shall report to the Committee on Science of the
24 House of Representatives and the Committee on Com-
25 merce, Science, and Transportation of the Senate the na-

1 ture of the proposed agreement and the anticipated cost,
2 schedule, commercial, and utilization impacts of the pro-
3 posed agreement.

4 **SEC. 205. INTERNATIONAL SPACE STATION LIMITATIONS.**

5 (a) TRANSFER OF FUNDS TO RUSSIA.—No funds or
6 in-kind payments shall be transferred to any entity of the
7 Russian Government or any Russian contractor to per-
8 form work on the International Space Station which the
9 Russian Government pledged, at any time, to provide at
10 its expense. This section shall not apply to the purchase
11 or modification of the Russian built, United States owned
12 Functional Cargo Block, known as the “FGB”.

13 (b) CONTINGENCY PLAN FOR RUSSIAN ELEMENTS IN
14 CRITICAL PATH.—The Administrator shall develop and
15 deliver to Congress, within 30 days after the date of the
16 enactment of this Act, a contingency plan for the removal
17 or replacement of each Russian Government element of
18 the International Space Station that lies in the Station’s
19 critical path. Such plan shall include—

20 (1) decision points for removing or replacing
21 those elements if the International Space Station is
22 to be completed by the end of the calendar year
23 2002;

24 (2) the cost of implementing each such decision;
25 and

1 (3) the cost of removing or replacing a Russian
2 Government critical path element after its decision
3 point has passed, if—

4 (A) the decision at that point was not to
5 remove or replace the Russian Government ele-
6 ment; and

7 (B) the National Aeronautics and Space
8 Administration later determines that the Rus-
9 sian Government will be unable to provide the
10 critical path element in a manner to allow com-
11 pletion of the International Space Station by
12 the end of calendar year 2002.

13 (c) MONTHLY CERTIFICATION ON RUSSIAN STA-
14 TUS.—The Administrator shall certify to the Congress on
15 the first day of each month whether or not the Russians
16 have performed work expected of them and necessary to
17 complete the International Space Station by the end of
18 calendar year 2002. Such certification shall also include
19 a statement of the Administrator’s judgment concerning
20 Russia’s ability to perform work anticipated and required
21 to complete the International Space Station by the end
22 of 2002 before the next certification under this subsection.
23 Each certification under this subsection shall include a
24 judgment that the first element launch will or will not take
25 place by October 31, 1998.

1 (d) DECISION ON RUSSIAN CRITICAL PATH ITEMS.—
2 The President shall provide to Congress a decision, by Au-
3 gust 1, 1997, on whether or not to proceed with perma-
4 nent replacement of the Service Module, and each other
5 Russian element in the critical path for completing the
6 International Space Station by the end of calendar year
7 2002. The President shall certify to Congress the reasons
8 and justification for the decision and the costs associated
9 with the decision. Such decision shall include a judgment
10 that the first element launch will or will not take place
11 by October 31, 1998, and that the stage of assembly com-
12 plete will or will not take place by December 31, 2002.
13 If the President decides, after August 1, 1997, to proceed
14 with a permanent replacement of the Service Module or
15 any other Russian element in the critical path, the Presi-
16 dent shall certify to Congress the reasons and justification
17 for the decision to proceed with permanent replacement,
18 and the costs associated with that decision, including the
19 cost difference between making such decision by August
20 1, 1997, and any later date at which it is made. Such
21 certification shall include a description of the costs of re-
22 moving or replacing each critical path item, and the sched-
23 ule for completing the International Space Station by the
24 end of calendar year 2002.

1 (e) ASTRONAUTS ON MIR.—The National Aero-
 2 nautics and Space Administration shall not place another
 3 United States astronaut on board the Mir Space Station,
 4 without the Space Shuttle attached to Mir, until the Ad-
 5 ministrators certify to Congress that the Mir Space Sta-
 6 tion meets or exceeds United States safety standards.
 7 Such certification shall be based on an independent review
 8 of the safety of the Mir Space Station.

9 **TITLE III—MISCELLANEOUS** 10 **PROVISIONS**

11 **SEC. 301. COMMERCIAL SPACE LAUNCH AMENDMENTS.**

12 (a) AMENDMENTS.—Chapter 701 of title 49, United
 13 States Code, is amended—

14 (1) in the table of sections—

15 (A) by amending the item relating to sec-
 16 tion 70104 to read as follows:

“70104. Restrictions on launches, operations, and reentries.”;

17 (B) by amending the item relating to sec-
 18 tion 70108 to read as follows:

“70108. Prohibition, suspension, and end of launches, operation of launch sites
 and reentry sites, and reentries.”;

19 and

20 (C) by amending the item relating to sec-
 21 tion 70109 to read as follows:

“70109. Preemption of scheduled launches or reentries.”;

22 (2) in section 70101—

1 (A) by inserting “microgravity research,”
2 after “information services,” in subsection
3 (a)(3);

4 (B) by inserting “, reentry,” after “launch-
5 ing” both places it appears in subsection (a)(4);

6 (C) by inserting “, reentry vehicles,” after
7 “launch vehicles” in subsection (a)(5);

8 (D) by inserting “and reentry services”
9 after “launch services” in subsection (a)(6);

10 (E) by inserting “, reentries,” after
11 “launches” both places it appears in subsection
12 (a)(7);

13 (F) by inserting “, reentry sites,” after
14 “launch sites” in subsection (a)(8);

15 (G) by inserting “and reentry services”
16 after “launch services” in subsection (a)(8);

17 (H) by inserting “reentry sites,” after
18 “launch sites,” in subsection (a)(9);

19 (I) by inserting “and reentry site” after
20 “launch site” in subsection (a)(9);

21 (J) by inserting “, reentry vehicles,” after
22 “launch vehicles” in subsection (b)(2);

23 (K) by striking “launch” in subsection
24 (b)(2)(A);

1 (L) by inserting “and reentry” after “com-
2 mercial launch” in subsection (b)(3);

3 (M) by striking “launch” after “and trans-
4 fer commercial” in subsection (b)(3); and

5 (N) by inserting “and development of re-
6 entry sites,” after “launch-site support facili-
7 ties,” in subsection (b)(4);

8 (3) in section 70102—

9 (A) by striking “and any payload” and in-
10 serting in lieu thereof “or reentry vehicle and
11 any payload from Earth” in paragraph (3);

12 (B) by inserting “or reentry vehicle” after
13 “means of a launch vehicle” in paragraph (8);

14 (C) by redesignating paragraphs (10)
15 through (12) as paragraphs (14) through (16),
16 respectively;

17 (D) by inserting after paragraph (9) the
18 following new paragraphs:

19 “(10) ‘reenter’ and ‘reentry’ mean to return or
20 attempt to return, purposefully, a reentry vehicle
21 and its payload, if any, from Earth orbit or from
22 outer space to Earth.

23 “(11) ‘reentry services’ means—

1 “(A) activities involved in the preparation
2 of a reentry vehicle and its payload, if any, for
3 reentry; and

4 “(B) the conduct of a reentry.

5 “(12) ‘reentry site’ means the location on Earth
6 to which a reentry vehicle is intended to return (as
7 defined in a license the Secretary issues or transfers
8 under this chapter).

9 “(13) ‘reentry vehicle’ means a vehicle designed
10 to return from Earth orbit or outer space to Earth,
11 or a reusable launch vehicle designed to return from
12 outer space substantially intact.”; and

13 (E) by inserting “or reentry services” after
14 “launch services” each place it appears in para-
15 graph (15), as so redesignated by subparagraph
16 (C) of this paragraph;
17 (4) in section 70103(b)—

18 (A) by inserting “AND REENTRIES” after
19 “LAUNCHES” in the subsection heading;

20 (B) by inserting “and reentries” after
21 “space launches” in paragraph (1); and

22 (C) by inserting “and reentry” after
23 “space launch” in paragraph (2);
24 (5) in section 70104—

1 (A) by amending the section designation
2 and heading to read as follows:

3 **“§ 70104. Restrictions on launches, operations, and**
4 **reentries”;**

5 (B) by inserting “or reentry site, or to re-
6 enter a reentry vehicle,” after “operate a
7 launch site” each place it appears in subsection
8 (a);

9 by inserting “or reentry” after “launch or
10 operation” in subsection (a) (3) and (4);

11 (D) in subsection (b)—

12 (i) by striking “launch license” and
13 inserting in lieu thereof “license”;

14 (ii) by inserting “or reenter” after
15 “may launch”; and

16 (iii) by inserting “or reentering” after
17 “related to launching”; and

18 (E) in subsection (c)—

19 (i) by amending the subsection head-
20 ing to read as follows: “PREVENTING
21 LAUNCHES AND REENTRIES.—”;

22 (ii) by inserting “or reentry” after
23 “prevent the launch”; and

24 (iii) by inserting “or reentry” after
25 “decides the launch”;

1 (6) in section 70105—

2 (A) by inserting “or a reentry site, or the
3 reentry of a reentry vehicle,” after “operation
4 of a launch site” in subsection (b)(1); and

5 (B) by striking “or operation” and insert-
6 ing in lieu thereof “, operation, or reentry” in
7 subsection (b)(2)(A);

8 (7) in section 70106(a)—

9 (A) by inserting “or reentry site” after
10 “observer at a launch site”;

11 (B) by inserting “or reentry vehicle” after
12 “assemble a launch vehicle”; and

13 (C) by inserting “or reentry vehicle” after
14 “with a launch vehicle”;

15 (8) in section 70108—

16 (A) by amending the section designation
17 and heading to read as follows:

18 **“§ 70108. Prohibition, suspension, and end of**
19 **launches, operation of launch sites and**
20 **reentry sites, and reentries”;**

21 and

22 (B) in subsection (a)—

23 (i) by inserting “or reentry site, or re-
24 entry of a reentry vehicle,” after “oper-
25 ation of a launch site”; and

1 (ii) by inserting “or reentry” after
2 “launch or operation”;

3 (9) in section 70109—

4 (A) by amending the section designation
5 and heading to read as follows:

6 **“§ 70109. Preemption of scheduled launches or reen-**
7 **tries”;**

8 (B) in subsection (a)—

9 (i) by inserting “or reentry” after
10 “ensure that a launch”;

11 (ii) by inserting “, reentry site,” after
12 “United States Government launch site”;

13 (iii) by inserting “or reentry date
14 commitment” after “launch date commit-
15 ment”;

16 (iv) by inserting “or reentry” after
17 “obtained for a launch”;

18 (v) by inserting “, reentry site,” after
19 “access to a launch site”;

20 (vi) by inserting “, or services related
21 to a reentry,” after “amount for launch
22 services”; and

23 (vii) by inserting “or reentry” after
24 “the scheduled launch”; and

1 (C) in subsection (c), by inserting “or re-
2 entry” after “prompt launching”;

3 (10) in section 70110—

4 (A) by inserting “or reentry” after “pre-
5 vent the launch” in subsection (a)(2); and

6 (B) by inserting “or reentry site, or re-
7 entry of a reentry vehicle,” after “operation of
8 a launch site” in subsection (a)(3)(B);

9 (11) in section 70111—

10 (A) by inserting “or reentry” after
11 “launch” in subsection (a)(1)(A);

12 (B) by inserting “and reentry services”
13 after “launch services” in subsection (a)(1)(B);

14 (C) by inserting “or reentry services” after
15 “or launch services” in subsection (a)(2);

16 (D) by inserting “or reentry” after “com-
17 mercial launch” both places it appears in sub-
18 section (b)(1);

19 (E) by inserting “or reentry services” after
20 “launch services” in subsection (b)(2)(C);

21 (F) by striking “or its payload for launch”
22 in subsection (d) and inserting in lieu thereof
23 “or reentry vehicle, or the payload of either, for
24 launch or reentry”; and

1 (G) by inserting “, reentry vehicle,” after
2 “manufacturer of the launch vehicle” in sub-
3 section (d);

4 (12) in section 70112—

5 (A) by inserting “or reentry” after “one
6 launch” in subsection (a)(3);

7 (B) by inserting “or reentry services” after
8 “launch services” in subsection (a)(4);

9 (C) by inserting “or reentry services” after
10 “launch services” each place it appears in sub-
11 section (b);

12 (D) by inserting “applicable” after “car-
13 ried out under the” in paragraphs (1) and (2)
14 of subsection (b);

15 (E) by inserting “OR REENTRIES” after
16 “LAUNCHES” in the heading for subsection (e);
17 and

18 (F) by inserting “or reentry site or a re-
19 entry” after “launch site” in subsection (e);

20 (13) in section 70113 (a)(1) and (d) (1) and
21 (2), by inserting “or reentry” after “one launch”
22 each place it appears;

23 (14) in section 70115(b)(1)(D)(i)—

24 (A) by inserting “reentry site,” after
25 “launch site,”; and

1 (B) by inserting “or reentry vehicle” after
2 “launch vehicle” both places it appears; and
3 (15) in section 70117—

4 (A) by inserting “or reentry site, or to re-
5 enter a reentry vehicle” after “operate a launch
6 site” in subsection (a);

7 (B) by inserting “or reentry” after “ap-
8 proval of a space launch” in subsection (d);

9 (C) by amending subsection (f) to read as
10 follows:

11 “(f) LAUNCH NOT AN EXPORT; REENTRY NOT AN
12 IMPORT.—A launch vehicle, reentry vehicle, or payload
13 that is launched or reentered is not, because of the launch
14 or reentry, an export or import, respectively, for purposes
15 of a law controlling exports or imports.”; and

16 (D) in subsection (g)—

17 (i) by striking “operation of a launch
18 vehicle or launch site,” in paragraph (1)
19 and inserting in lieu thereof “reentry, op-
20 eration of a launch vehicle or reentry vehi-
21 cle, or operation of a launch site or reentry
22 site,”; and

23 (ii) by inserting “reentry,” after
24 “launch,” in paragraph (2).

1 (b) ADDITIONAL AMENDMENTS.—(1) Section 70105
2 of title 49, United States Code, is amended—

3 (A) by inserting “(1)” before “A person may
4 apply” in subsection (a);

5 (B) by striking “receiving an application” both
6 places it appears in subsection (a) and inserting in
7 lieu thereof “accepting an application in accordance
8 with criteria established pursuant to subsection
9 (b)(2)(D)”;

10 (C) by adding at the end of subsection (a) the
11 following new paragraph:

12 “(2) In carrying out paragraph (1), the Secretary
13 may establish procedures for certification of the safety of
14 a launch vehicle, reentry vehicle, or safety system, proce-
15 dure, service, or personnel that may be used in conducting
16 licensed commercial space launch or reentry activities.”;

17 (D) by striking “and” at the end of subsection
18 (b)(2)(B);

19 (E) by striking the period at the end of sub-
20 section (b)(2)(C) and inserting in lieu thereof
21 “; and”;

22 (F) by adding at the end of subsection (b)(2)
23 the following new subparagraph:

24 “(D) regulations establishing criteria for ac-
25 cepting or rejecting an application for a license

1 under this chapter within 60 days after receipt of
2 such application.”; and

3 (G) by inserting “, or the requirement to obtain
4 a license,” after “waive a requirement” in subsection
5 (b)(3).

6 (2) The amendment made by paragraph (1)(B) shall
7 take effect upon the effective date of final regulations is-
8 sued pursuant to section 70105(b)(2)(D) of title 49, Unit-
9 ed States Code, as added by paragraph (1)(F) of this sub-
10 section.

11 (3) Section 70102(5) of title 49, United States Code,
12 is amended—

13 (A) by redesignating subparagraphs (A) and
14 (B) as subparagraphs (B) and (C), respectively; and

15 (B) by inserting before subparagraph (B), as so
16 redesignated by subparagraph (A) of this paragraph,
17 the following new subparagraph:

18 “(A) activities directly related to the prep-
19 aration of a launch site or payload facility for
20 one or more launches;”.

21 (4) Section 70103(b) of title 49, United States Code,
22 is amended—

23 (A) in the subsection heading, as amended by
24 subsection (a)(4)(A) of this section, by inserting

1 “AND STATE SPONSORED SPACEPORTS” after “AND
2 REENTRIES”; and

3 (B) in paragraph (1), by inserting “and State
4 sponsored spaceports” after “private sector”.

5 (5) Section 70105(a)(1) of title 49, United States
6 Code, as amended by subsection (b)(1) of this section, is
7 amended by inserting at the end the following: “The Sec-
8 retary shall submit to the Committee on Science of the
9 House of Representatives and the Committee on Com-
10 merce, Science, and Transportation of the Senate a writ-
11 ten notice not later than 7 days after any occurrence when
12 a license is not issued within the deadline established by
13 this subsection.”.

14 (6) Section 70111 of title 49, United States Code,
15 is amended—

16 (A) in subsection (a)(1), by inserting after sub-
17 paragraph (B) the following:

18 “The Secretary shall establish criteria and procedures for
19 determining the priority of competing requests from the
20 private sector and State governments for property and
21 services under this section.”;

22 (B) by striking “actual costs” in subsection
23 (b)(1) and inserting in lieu thereof “additive costs
24 only”; and

1 (C) by inserting after subsection (b)(2) the fol-
2 lowing new paragraph:

3 “(3) The Secretary shall ensure the establishment of
4 uniform guidelines for, and consistent implementation of,
5 this section by all Federal agencies.”.

6 (7) Section 70112 of title 49, United States Code,
7 is amended—

8 (A) in subsection (a)(1), by inserting “launch,
9 reentry, or site operator” after “(1) When a”;

10 (B) in subsection (b)(1), by inserting “launch,
11 reentry, or site operator” after “(1) A”; and

12 (C) in subsection (f), by inserting “launch, re-
13 entry, or site operator” after “carried out under a”.

14 (c) REGULATIONS.—(1) Chapter 701 of title 49,
15 United States Code, is amended by adding at the end the
16 following new section:

17 **“§ 70120. Regulations**

18 “The Secretary of Transportation, within 6 months
19 after the date of the enactment of this section, shall issue
20 regulations to carry out this chapter that include—

21 “(1) guidelines for industry to obtain sufficient
22 insurance coverage for potential damages to third
23 parties;

1 “(2) procedures for requesting and obtaining li-
2 censes to operate a commercial launch vehicle and
3 reentry vehicle;

4 “(3) procedures for requesting and obtaining
5 operator licenses for launch and reentry; and

6 “(4) procedures for the application of govern-
7 ment indemnification.”.

8 (2) The table of sections for such chapter 701 is
9 amended by adding after the item relating to section
10 70119 the following new item:

“70120. Regulations.”.

11 (d) REPORT TO CONGRESS.—(1) Chapter 701 of title
12 49, United States Code, is further amended by adding at
13 the end the following new section:

14 **“§ 70121. Report to Congress**

15 “The Secretary of Transportation shall submit to
16 Congress an annual report to accompany the President’s
17 budget request that—

18 “(1) describes all activities undertaken under
19 this chapter, including a description of the process
20 for the application for and approval of licenses under
21 this chapter and recommendations for legislation
22 that may further commercial launches and reentries;
23 and

1 “(2) reviews the performance of the regulatory
2 activities and the effectiveness of the Office of Com-
3 mercial Space Transportation.”.

4 (2) The table of sections for such chapter 701 is fur-
5 ther amended by adding after the item relating to section
6 70120, as added by subsection (c)(2) of this section, the
7 following new item:

“70121. Report to Congress.”.

8 **SEC. 302. REQUIREMENT FOR INDEPENDENT COST ANALY-**
9 **SIS.**

10 Before any funds may be obligated for Phase C of
11 a project that is projected to cost more than \$75,000,000
12 in total project costs, the Chief Financial Officer for the
13 National Aeronautics and Space Administration shall con-
14 duct an independent cost analysis of such project and shall
15 report the results to Congress. In developing cost account-
16 ing and reporting standards for carrying out this section,
17 the Chief Financial Officer shall, to the extent practicable
18 and consistent with other laws, solicit the advice of exper-
19 tise outside of the National Aeronautics and Space Admin-
20 istration.

21 **SEC. 303. OFFICE OF SPACE COMMERCE.**

22 (a) ESTABLISHMENT.—There is established within
23 the Department of Commerce an Office of Space Com-
24 merce.

1 (b) FUNCTIONS.—The Office of Space Commerce
2 shall be the principal unit for the coordination of space-
3 related issues, programs, and initiatives within the De-
4 partment of Commerce. The Office’s primary responsibil-
5 ities shall include—

6 (1) promoting commercial provider investment
7 in space activities by collecting, analyzing, and dis-
8 seminating information on space markets, and con-
9 ducting workshops and seminars to increase aware-
10 ness of commercial space opportunities;

11 (2) assisting United States commercial provid-
12 ers in their efforts to do business with the United
13 States Government, and acting as an industry advo-
14 cate within the executive branch to ensure that the
15 Federal Government meets its space-related require-
16 ment, to the fullest extent feasible, with commer-
17 cially available space goods and services;

18 (3) ensuring that the United States Govern-
19 ment does not compete with United States commer-
20 cial providers in the provision of space hardware and
21 services otherwise available from United States com-
22 mercial providers;

23 (4) promoting the export of space-related goods
24 and services;

1 (5) representing the Department of Commerce
 2 in the development of United States policies and in
 3 negotiations with foreign countries to ensure free
 4 and fair trade internationally in the area of space
 5 commerce; and

6 (6) seeking the removal of legal, policy, and in-
 7 stitutional impediments to space commerce.

8 **SEC. 304. NATIONAL AERONAUTICS AND SPACE ACT OF 1958**
 9 **AMENDMENTS.**

10 (a) DECLARATION OF POLICY AND PURPOSE.—Sec-
 11 tion 102 of the National Aeronautics and Space Act of
 12 1958 (42 U.S.C. 2451) is amended—

13 (1) by striking subsection (f) and redesignating
 14 subsections (g) and (h) as subsections (f) and (g),
 15 respectively; and

16 (2) in subsection (g), as so redesignated by
 17 paragraph (1) of this subsection, by striking “(f),
 18 and (g)” and inserting in lieu thereof “and (f)”.

19 (b) REPORTS TO THE CONGRESS.—Section 206(a) of
 20 the National Aeronautics and Space Act of 1958 (42
 21 U.S.C. 2476(a)) is amended—

22 (1) by striking “January” and inserting in lieu
 23 thereof “May”; and

24 (2) by striking “calendar” and inserting in lieu
 25 thereof “fiscal”.

1 (c) DISCLOSURE OF TECHNICAL DATA.—Section 303
2 of the National Aeronautics and Space Act of 1958 (42
3 U.S.C. 2454) is amended—

4 (1) in subsection (a)(C), by inserting “or (c)”
5 after “subsection (b)”; and

6 (2) by adding at the end the following new sub-
7 section:

8 “(c)(1) The Administrator may, and at the request
9 of a private sector entity shall, delay for a period of at
10 least one day, but not to exceed 5 years, the unrestricted
11 public disclosure of technical data in the possession of, or
12 under the control of, the Administration that has been
13 generated in the performance of experimental, devel-
14 opmental, or research activities or programs funded jointly
15 by the Administration and such private sector entity.

16 “(2) Within 1 year after the date of the enactment
17 of the Civilian Space Authorization Act, Fiscal Years 1998
18 and 1999, the Administrator shall issue regulations to
19 carry out this subsection. Paragraph (1) shall not take ef-
20 fect until such regulations are issued.

21 “(3) Regulations issued pursuant to paragraph (2)
22 shall include—

23 “(A) guidelines for a determination of whether
24 data is technical data within the meaning of this
25 subsection;

1 “(B) provisions to ensure that technical data is
2 available for dissemination within the United States
3 to United States persons and entities in furtherance
4 of the objective of maintaining leadership or com-
5 petitiveness in civil and governmental aeronautical
6 and space activities by the United States industrial
7 base; and

8 “(C) a specification of the period or periods for
9 which the delay in unrestricted public disclosure of
10 technical data is to apply to various categories of
11 such data, and the restrictions on disclosure of such
12 data during such period or periods, including a re-
13 quirement that the maximum 5-year protection
14 under this subsection shall not be provided unless at
15 least 50 percent of the funding for the activities or
16 programs is provided by the private sector.

17 “(4) The Administrator shall annually report to the
18 Congress all determinations made under paragraph (1).

19 “(5) For purposes of this subsection, the term ‘tech-
20 nical data’ means any recorded information, including
21 computer software, that is or may be directly applicable
22 to the design, engineering, development, production, man-
23 ufacture, or operation of products or processes that may
24 have significant value in maintaining leadership or com-

1 petitiveness in civil and governmental aeronautical and
2 space activities by the United States industrial base.”.

3 **SEC. 305. PROCUREMENT.**

4 (a) **PROCUREMENT DEMONSTRATION PROGRAM.**—

5 (1) **IN GENERAL.**—The Administrator shall es-
6 tablish a program of expedited technology procure-
7 ment for the purpose of demonstrating how innova-
8 tive technology concepts can rapidly be brought to
9 bear upon space missions of the National Aero-
10 nautics and Space Administration.

11 (2) **PROCEDURES AND EVALUATION.**—The Ad-
12 ministrator shall establish procedures for actively
13 seeking from persons outside the National Aero-
14 nautics and Space Administration innovative tech-
15 nology concepts, relating to the provision of space
16 hardware, technology, or service to the National Aer-
17 onautics and Space Administration.

18 (3) **SPECIAL AUTHORITY.**—In order to carry
19 out this subsection the Administrator shall recruit
20 and hire for limited term appointments persons from
21 outside the National Aeronautics and Space Admin-
22 istration with special expertise and experience relat-
23 ed to the innovative technology concepts with respect
24 to which procurements are made under this sub-
25 section.

1 (4) SUNSET.—This subsection shall cease to be
2 effective 10 years after the date of its enactment.

3 (b) TECHNOLOGY PROCUREMENT INITIATIVE.—

4 (1) IN GENERAL.—The Administrator shall co-
5 ordinate National Aeronautics and Space Adminis-
6 tration resources in the areas of procurement, com-
7 mercial programs, and advanced technology in order
8 to—

9 (A) fairly assess and procure commercially
10 available technology from the marketplace in
11 the most efficient manner practicable;

12 (B) achieve a continuous pattern of inte-
13 grating advanced technology from the commer-
14 cial sector, and from Federal sources outside
15 the National Aeronautics and Space Adminis-
16 tration, into the missions and programs of the
17 National Aeronautics and Space Administra-
18 tion;

19 (C) incorporate private sector buying and
20 bidding procedures, including fixed price con-
21 tracts, into procurements; and

22 (D) provide incentives for cost-plus con-
23 tractors of the National Aeronautics and Space
24 Administration to integrate commercially avail-

1 able technology in subsystem contracts on a
2 fixed-price basis.

3 (2) CERTIFICATION.—Upon solicitation of any
4 procurement for space hardware, technology, or serv-
5 ices that are not commercially available, the Admin-
6 istrator shall certify, by publication of a notice and
7 opportunity to comment in the Commerce Business
8 Daily, for each such procurement action, that no
9 functional equivalent, commercially, available space
10 hardware, technology, or service exists and that no
11 commercial method of procurement is available.

12 **SEC. 306. ACQUISITION OF SPACE SCIENCE DATA.**

13 (a) ACQUISITION FROM COMMERCIAL PROVIDERS.—
14 The Administrator shall, to the maximum extent possible
15 and while satisfying the scientific requirements of the Na-
16 tional Aeronautics and Space Administration, acquire,
17 where cost effective, space science data from a commercial
18 provider.

19 (b) TREATMENT OF SPACE SCIENCE DATA AS COM-
20 MERCIAL ITEM UNDER ACQUISITION LAWS.—Acquisitions
21 of space science data by the Administrator shall be carried
22 out in accordance with applicable acquisition laws and reg-
23 ulations (including chapters 137 and 140 of title 10, Unit-
24 ed States Code), except that space science data shall be
25 considered to be a commercial item for purposes of such

1 laws and regulations (including section 2306a of title 10,
2 United States Code (relating to cost or pricing data), sec-
3 tion 2320 of such title (relating to rights in technical data)
4 and section 2321 of such title (relating to validation of
5 proprietary data restrictions)).

6 (c) DEFINITION.—For purposes of this section, the
7 term “space science data” includes scientific data concern-
8 ing the elemental and mineralogical resources of the moon,
9 asteroids, planets and their moons, and comets, Earth en-
10 vironmental data obtained through remote sensing obser-
11 vations, and solar storm monitoring.

12 (d) SAFETY STANDARDS.—Nothing in this section
13 shall be construed to prohibit the Federal Government
14 from requiring compliance with applicable safety stand-
15 ards.

16 (e) LIMITATION.—This section does not authorize the
17 National Aeronautics and Space Administration to provide
18 financial assistance for the development of commercial
19 systems for the collection of space science data.

20 **SEC. 307. COMMERCIAL SPACE GOODS AND SERVICES.**

21 The National Aeronautics and Space Administration
22 shall purchase commercially available space goods and
23 services to the fullest extent feasible, and shall not conduct
24 activities that preclude or deter commercial space activi-
25 ties except for reasons of national security or public safety.

1 A space good or service shall be deemed commercially
2 available if it is offered by a United States commercial
3 provider, or if it could be supplied by a United States com-
4 mercial provider in response to a Government procurement
5 request. For purposes of this section, a purchase is fea-
6 sible if it meets mission requirements in a cost-effective
7 manner.

8 **SEC. 308. ACQUISITION OF EARTH SCIENCE DATA.**

9 (a) ACQUISITION.—For purposes of meeting Govern-
10 ment goals for Mission to Planet Earth, the Administrator
11 shall, to the maximum extent possible and while satisfying
12 the scientific requirements of the National Aeronautics
13 and Space Administration, acquire, where cost-effective,
14 space-based and airborne Earth remote sensing data, serv-
15 ices, distribution, and applications from a commercial pro-
16 vider.

17 (b) TREATMENT AS COMMERCIAL ITEM UNDER AC-
18 QUISITION LAWS.—Acquisitions by the Administrator of
19 the data, services, distribution, and applications referred
20 to in subsection (a) shall be carried out in accordance with
21 applicable acquisition laws and regulations (including
22 chapters 137 and 140 of title 10, United States Code),
23 except that such data, services, distribution, and applica-
24 tions shall be considered to be a commercial item for pur-
25 poses of such laws and regulations (including section

1 2306a of title 10, United States Code (relating to cost
2 or pricing data), section 2320 of such title (relating to
3 rights in technical data) and section 2321 of such title
4 (relating to validation of proprietary data restrictions)).

5 (c) STUDY.—(1) The Administrator shall conduct a
6 study to determine the extent to which the baseline sci-
7 entific requirements of Mission to Planet Earth can be
8 met by commercial providers, and how the National Aero-
9 nautics and Space Administration will meet such require-
10 ments which cannot be met by commercial providers.

11 (2) The study conducted under this subsection
12 shall—

13 (A) make recommendations to promote the
14 availability of information from the National Aero-
15 nautics and Space Administration to commercial
16 providers to enable commercial providers to better
17 meet the baseline scientific requirements of Mission
18 to Planet Earth;

19 (B) make recommendations to promote the dis-
20 semination to commercial providers of information
21 on advanced technology research and development
22 performed by or for the National Aeronautics and
23 Space Administration; and

1 (C) identify policy, regulatory, and legislative
2 barriers to the implementation of the recommenda-
3 tions made under this subsection.

4 (3) The results of the study conducted under this
5 subsection shall be transmitted to the Congress within 6
6 months after the date of the enactment of this Act.

7 (d) SAFETY STANDARDS.—Nothing in this section
8 shall be construed to prohibit the Federal Government
9 from requiring compliance with applicable safety stand-
10 ards.

11 (e) ADMINISTRATION AND EXECUTION.—This section
12 shall be carried out as part of the Commercial Remote
13 Sensing Program at the Stennis Space Center.

14 **SEC. 309. EOSDIS REPORT.**

15 Not later than 90 days after the date of the enact-
16 ment of this Act, the Administrator shall transmit to the
17 Committee on Science of the House of Representatives
18 and the Committee on Commerce, Science, and Transpor-
19 tation of the Senate a report which contains—

20 (1) an analysis of the scientific capabilities,
21 costs, and schedule of the Earth Observing System
22 Data and Information System (EOSDIS);

23 (2) an identification and analysis of the threats
24 to the success of the EOSDIS Core System; and

1 (3) a plan and cost estimates for resolving the
2 threats identified under paragraph (2) to the
3 EOSDIS Core System before the launch of the
4 Earth Observing System satellite known as PM-1.

5 **SEC. 310. SHUTTLE PRIVATIZATION.**

6 (a) **POLICY AND PREPARATION.**—The Administrator
7 shall prepare for an orderly transition from the Federal
8 operation, or Federal management of contracted oper-
9 ation, of space transportation systems to the Federal pur-
10 chase of commercial space transportation services for all
11 nonemergency launch requirements, including human,
12 cargo, and mixed payloads. In those preparations, the Ad-
13 ministrator shall take into account the need for short-term
14 economies, as well as the goal of restoring the National
15 Aeronautics and Space Administration’s research focus
16 and its mandate to promote the fullest possible commercial
17 use of space. As part of those preparations, the Adminis-
18 trator shall plan for the potential privatization of the
19 Space Shuttle program. Such plan shall keep safety and
20 cost effectiveness as high priorities. Nothing in this section
21 shall prohibit the National Aeronautics and Space Admin-
22 istration from studying, designing, developing, or funding
23 upgrades or modifications essential to the safe and eco-
24 nomical operation of the Space Shuttle fleet.

1 (b) FEASIBILITY STUDY.—The Administrator shall
2 conduct a study of the feasibility of implementing the rec-
3 ommendation of the Independent Shuttle Management Re-
4 view Team that the National Aeronautics and Space Ad-
5 ministration transition toward the privatization of the
6 Space Shuttle. The study shall identify, discuss, and,
7 where possible, present options for resolving, the major
8 policy and legal issues that must be addressed before the
9 Space Shuttle is privatized, including—

10 (1) whether the Federal Government or the
11 Space Shuttle contractor should own the Space
12 Shuttle orbiters and ground facilities;

13 (2) whether the Federal Government should in-
14 demnify the contractor for any third party liability
15 arising from Space Shuttle operations, and, if so,
16 under what terms and conditions;

17 (3) whether payloads other than National Aero-
18 nautics and Space Administration payloads should
19 be allowed to be launched on the Space Shuttle, how
20 missions will be prioritized, and who will decide
21 which mission flies and when;

22 (4) whether commercial payloads should be al-
23 lowed to be launched on the Space Shuttle and
24 whether any classes of payloads should be made in-
25 eligible for launch consideration;

1 (5) whether National Aeronautics and Space
2 Administration and other Federal Government pay-
3 loads should have priority over non-Federal payloads
4 in the Space Shuttle launch assignments, and what
5 policies should be developed to prioritize among pay-
6 loads generally;

7 (6) whether the public interest requires that
8 certain Space Shuttle functions continue to be per-
9 formed by the Federal Government; and

10 (7) how much cost savings, if any, will be gen-
11 erated by privatization of the Space Shuttle.

12 (c) REPORT TO CONGRESS.—Within 60 days after
13 the date of the enactment of this Act, the National Aero-
14 nautics and Space Administration shall complete the study
15 required under subsection (b) and shall submit a report
16 on the study to the Committee on Commerce, Science, and
17 Transportation of the Senate and the Committee on
18 Science of the House of Representatives.

19 **SEC. 311. LAUNCH VOUCHER DEMONSTRATION PROGRAM**
20 **AMENDMENTS.**

21 Section 504 of the National Aeronautics and Space
22 Administration Authorization Act, Fiscal Year 1993 (15
23 U.S.C. 5803) is amended—

24 (1) in subsection (a)—

1 (A) by striking “the Office of Commercial
2 Programs within”; and

3 (B) by striking “Such program shall not
4 be effective after September 30, 1995.”;

5 (2) by striking subsection (c); and

6 (3) by redesignating subsections (d) and (e) as
7 subsections (c) and (d), respectively.

8 **SEC. 312. USE OF ABANDONED AND UNDERUTILIZED**
9 **BUILDINGS, GROUNDS, AND FACILITIES.**

10 (a) IN GENERAL.—In meeting the needs of the Na-
11 tional Aeronautics and Space Administration for addi-
12 tional facilities, the Administrator, whenever feasible, shall
13 select abandoned and underutilized buildings, grounds,
14 and facilities in depressed communities that can be con-
15 verted to National Aeronautics and Space Administration
16 facilities at a reasonable cost, as determined by the Ad-
17 ministrator.

18 (b) DEFINITIONS.—For purposes of this section, the
19 term “depressed communities” means rural and urban
20 communities that are relatively depressed, in terms of age
21 of housing, extent of poverty, growth of per capita income,
22 extent of unemployment, job lag, or surplus labor.

23 **SEC. 313. COST EFFECTIVENESS CALCULATIONS.**

24 In calculating the cost effectiveness of the cost of the
25 National Aeronautics and Space Administration engaging

1 in an activity as compared to a commercial provider, the
2 Administrator shall compare the cost of the National Aer-
3 onautics and Space Administration engaging in the activ-
4 ity using full cost accounting principles with the price the
5 commercial provider will charge for such activity.

6 **SEC. 314. FOREIGN CONTRACT LIMITATION.**

7 The National Aeronautics and Space Administration
8 shall not enter into any agreement or contract with a for-
9 eign government that grants the foreign government the
10 right to recover profit in the event that the agreement or
11 contract is terminated.

12 **SEC. 315. AUTHORITY TO REDUCE OR SUSPEND CONTRACT**
13 **PAYMENTS BASED ON SUBSTANTIAL EVI-**
14 **DENCE OF FRAUD.**

15 Section 2307(h)(8) of title 10, United States Code,
16 is amended by striking “and (4)” and inserting in lieu
17 thereof “(4), and (6)”.

18 **SEC. 316. NEXT GENERATION INTERNET.**

19 None of the funds authorized by this Act, or any
20 other Act enacted before the date of the enactment of this
21 Act, may be used for the Next Generation Internet. Not-
22 withstanding the previous sentence, funds may be used for
23 the continuation of programs and activities that were
24 funded and carried out during fiscal year 1997.

1 **SEC. 317. LIMITATIONS.**

2 (a) PROHIBITION OF LOBBYING ACTIVITIES.—None
3 of the funds authorized by this Act and the amendments
4 made by this Act shall be available for any activity whose
5 purpose is to influence legislation pending before the Con-
6 gress, except that this subsection shall not prevent officers
7 or employees of the United States or of its departments
8 or agencies from communicating to Members of Congress
9 on the request of any Member or to Congress, through
10 the proper channels, requests for legislation or appropria-
11 tions which they deem necessary for the efficient conduct
12 of the public business.

13 (b) LIMITATION ON APPROPRIATIONS.—No sums are
14 authorized to be appropriated to the Administrator for fis-
15 cal years 1998 and 1999 for the activities for which sums
16 are authorized by this Act and the amendments made by
17 this Act, unless such sums are specifically authorized to
18 be appropriated by this Act or the amendments made by
19 this Act.

20 (c) ELIGIBILITY FOR AWARDS.—

21 (1) IN GENERAL.—The Administrator shall ex-
22 clude from consideration for grant agreements made
23 by the National Aeronautics and Space Administra-
24 tion after fiscal year 1997 any person who received
25 funds, other than those described in paragraph (2),
26 appropriated for a fiscal year after fiscal year 1997,

1 under a grant agreement from any Federal funding
2 source for a project that was not subjected to a com-
3 petitive, merit-based award process. Any exclusion
4 from consideration pursuant to this subsection shall
5 be effective for a period of 5 years after the person
6 receives such Federal funds.

7 (2) EXCEPTION.—Paragraph (1) shall not
8 apply to the receipt of Federal funds by a person
9 due to the membership of that person in a class
10 specified by law for which assistance is awarded to
11 members of the class according to a formula pro-
12 vided by law.

13 (3) DEFINITION.—For purposes of this sub-
14 section, the term “grant agreement” means a legal
15 instrument whose principal purpose is to transfer a
16 thing of value to the recipient to carry out a public
17 purpose of support or stimulation authorized by a
18 law of the United States, and does not include the
19 acquisition (by purchase, lease, or barter) of prop-
20 erty or services for the direct benefit or use of the
21 United States Government. Such term does not in-
22 clude a cooperative agreement (as such term is used
23 in section 6305 of title 31, United States Code) or
24 a cooperative research and development agreement
25 (as such term is defined in section 12(d)(1) of the

1 Stevenson-Wydler Technology Innovation Act of
2 1980 (15 U.S.C. 3710a(d)(1))).

3 **SEC. 318. NOTICE.**

4 (a) NOTICE OF REPROGRAMMING.—If any funds au-
5 thorized by this Act or the amendments made by this Act
6 are subject to a reprogramming action that requires notice
7 to be provided to the Appropriations Committees of the
8 House of Representatives and the Senate, notice of such
9 action shall concurrently be provided to the Committee on
10 Science of the House of Representatives and the Commit-
11 tee on Commerce, Science, and Transportation of the Sen-
12 ate.

13 (b) NOTICE OF REORGANIZATION.—The Adminis-
14 trator shall provide notice to the Committees on Science
15 and Appropriations of the House of Representatives, and
16 the Committees on Commerce, Science, and Transpor-
17 tation and Appropriations of the Senate, not later than
18 15 days before any major reorganization of any program,
19 project, or activity of the National Aeronautics and Space
20 Administration.

21 **SEC. 319. SENSE OF CONGRESS ON THE YEAR 2000 PROB-**
22 **LEM.**

23 With the year 2000 fast approaching, it is the sense
24 of Congress that the National Aeronautics and Space Ad-
25 ministration should—

1 (1) give high priority to correcting all 2-digit
2 date-related problems in its computer systems to en-
3 sure that those systems continue to operate effec-
4 tively in the year 2000 and beyond;

5 (2) assess immediately the extent of the risk to
6 the operations of the National Aeronautics and
7 Space Administration posed by the problems re-
8 ferred to in paragraph (1), and plan and budget for
9 achieving Year 2000 compliance for all of its mis-
10 sion-critical systems; and

11 (3) develop contingency plans for those systems
12 that the National Aeronautics and Space Adminis-
13 tration is unable to correct in time.

14 **SEC. 320. NATIONAL OCEANOGRAPHIC PARTNERSHIP PRO-**
15 **GRAM.**

16 The National Aeronautics and Space Administration
17 is authorized to participate in the National Oceanic Part-
18 nership Program established by the National Oceanic
19 Partnership Act (Public Law 104–201).

20 **SEC. 321. NATIONAL SCIENCE FOUNDATION ANTARCTIC**
21 **PROGRAM.**

22 If the Administrator determines that excess capacity
23 is available on the Tracking Data Relay Satellite System
24 (TDRSS), the Administrator shall give strong consider-

1 ation to meeting the needs of the National Science Foun-
2 dation Antarctic Program.

3 **SEC. 322. BUY AMERICAN.**

4 (a) COMPLIANCE WITH BUY AMERICAN ACT.—No
5 funds appropriated pursuant to this Act or the amend-
6 ments made by this Act may be expended by an entity
7 unless the entity agrees that in expending the assistance
8 the entity will comply with sections 2 through 4 of the
9 Act of March 3, 1933 (41 U.S.C. 10a–10c, popularly
10 known as the “Buy American Act”).

11 (b) SENSE OF CONGRESS.—In the case of any equip-
12 ment or products that may be authorized to be purchased
13 with financial assistance provided under this Act or the
14 amendments made by this Act, it is the sense of Congress
15 that entities receiving such assistance should, in expending
16 the assistance, purchase only American-made equipment
17 and products.

18 (c) NOTICE TO RECIPIENTS OF ASSISTANCE.—In
19 providing financial assistance under this Act or the
20 amendments made by this Act, the Administrator shall
21 provide to each recipient of the assistance a notice describ-
22 ing the statement made in subsection (a) by the Congress.

1 **SEC. 323. UNITARY WIND TUNNEL PLAN ACT OF 1949**
2 **AMENDMENTS.**

3 The Unitary Wind Tunnel Plan Act of 1949 is
4 amended—

5 (1) in section 101 (50 U.S.C. 511) by striking
6 “transsonic and supersonic” and inserting in lieu
7 thereof “transsonic, supersonic, and hypersonic”;
8 and

9 (2) in section 103 (50 U.S.C. 513)—

10 (A) by striking “laboratories” in sub-
11 section (a) and inserting in lieu thereof “labora-
12 tories and centers”;

13 (B) by striking “supersonic” in subsection
14 (a) and inserting in lieu thereof “transsonic, su-
15 personic, and hypersonic”; and

16 (C) by striking “laboratory” in subsection
17 (c) and inserting in lieu thereof “facility”.

Passed the House of Representatives April 24, 1997.

Attest: ROBIN H. CARLE,
Clerk.